

### **REMARKS**

This responds to the Final Office Action mailed on March 25, 2008. No Claims are amended, claims 4-5 and 23 - 25 are canceled without prejudice, and no claims are added; as a result, claims 1, 3, 7 and 8 are now pending in this application.

#### **§112 Rejection of the Claims**

Claims 4, 5 and 23 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In order to expedite prosecution of this application, Applicants have canceled claims 4 - 5 and 23 – 25, reserving the right to continue their prosecution in a continuing application.

#### **Double Patenting Rejection**

Claims 1, 3, 7 and 8 were rejected under the judicially created doctrine of double patenting over claims 1-16 of U.S. Patent No. 6,703,299.

A Terminal Disclaimer in compliance with 37 CFR 1.321(b) (IV) to obviate this rejection was previously filed with the U.S. Patent Office on June 1, 2007. Applicant submits that the Terminal Disclaimer is proper and fails to understand the comment in the Office Action to the effect that it has not “been processed/entered formally”. Applicant submits that the Patent Office should now proceed to process and enter the Terminal Disclaimer forthwith, if it has not already done so.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any

reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

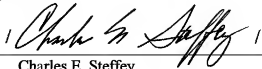
### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6970 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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